

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.14713 OF 2015

Date: 14.03.2018

Between:

Smt. Annavarapu Veeramma W/o. Venkat Rao,
Aged 35 years, occu: Agriculture Coolie,
r/o. Mittapalem village, Atchampeta Mandal,
Guntur District, Andhra Pradesh and another.

.....Petitioners

and

State of Andhra Pradesh, rep.by its Collector and
District Magistrate, Guntur District, Guntur,
Andhra Pradesh and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.14713 OF 2015

ORDER:

Petitioners claim that they were assigned pattas to an extent of Ac.0.05 cents in Sy.No.8-B of Mittapalem village, Atchampeta Mandal, Guntur district and constructed thatched houses, whereas illegally the respondent authorities are trying to dispossess them. Petitioners earlier filed W.P.No.10659 of 2015 aggrieved by the notice issued on 26.03.2015 directing them to vacate the land in an extent of Ac.0.02½ cents each. This Court disposed of the said Writ Petition by order dated 16.04.2015 observing that interest of justice would be served if a direction is issued to the respondents not to evict the petitioners without following due process of law as applicable in the case and till such time orders are passed, petitioners' possession and enjoyment of property in issue should not be disturbed. This Writ Petition is filed alleging that in spite of directions issued by the Court, respondents are trying to dispossess them without following due process.

2. When the matter is taken up for consideration, Court was informed that in response to the notice issued under Section 6 of the Land Encroachment Act, 1905, petitioners filed explanation, but no orders are passed on the explanation filed and on the contrary, petitioners are sought to be dispossessed. Along with the writ petition, copy of explanation is enclosed as Ex.P5. In the counter-affidavit filed by the respondents, they asserted that no explanation was filed and petitioners refused to receive the notice issued under Sections 6 and 7 of the Act and, therefore, they were

compelled to paste it on the wall of the houses. A tom-tom was also conducted in the village on issuing notices under Sections 6 & 7 of the Act. In reply, counsel for petitioners enclosed receipt issued by the Courier service on 01.05.2015, where under a letter was addressed to the Mandal Revenue Officer, Achampeta Mandal and learned counsel states that explanation was already received, but the same was not considered.

3. As seen from the record, no explanation was filed after Section 6 notice. The representation relied by learned counsel was in response to earlier notice. Thus, I do not see any error in the stand of respondents that no explanation was filed and, therefore, the competent authority proceeded to issue notice under Section 6 of the Act.

4. However, even though there is no challenge to notices under the Land Encroachment Act, as petitioners assert that there was assignment granted to them, in the interest of justice, Court deems it fit to afford one more opportunity. If the petitioners file explanation to notice under Section 7 of the Act, within two weeks from today along with relevant documents in their support, the Tahsildar shall examine the explanation and pass appropriate orders by assigning due reasons in support of decision and communicate the same to the petitioners and thereafter proceed to take further action. Until orders are passed by the Tahsildar in response to the explanation offered by the petitioners, they shall not be evicted from the subject premises. However, if explanation is not filed within two weeks from today, the competent authority

is entitled to proceed further in accordance with the notices already issued under Section 6 and/or 7 of the Act.

5. Writ Petition is accordingly disposed of. There shall be no order as to costs. Miscellaneous petitions if any pending shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 14.03.2018

Note: Issue CC in two days.

(B/o)
kkm



HON'BLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.14713 OF 2015

Date: 14.03.2018

kkm